

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

VS.

TERRESON SPINKS AND JET
PROCESSING

Defendants,

2:10-cv-2203-MMD-GWF

MINUTES OF THE COURT

Dated: October 26, 2016

PRESENT:

THE HONORABLE **MIRANDA M. DU**, U.S. DISTRICT JUDGE

DEPUTY CLERK: PEGGIE VANNOZZI COURT REPORTER: KATHY FRENCH

PRESENT FOR PLAINTIFFS: COLLOT GUERARD AND ROBERT ANGUIZOLA

PRESENT FOR DEFENDANTS: KARRA PORTER, KELLY MACFARLANE AND J.D.
LAURITZEN

IN COURT PROCEEDINGS –Bench trial – day 2

Proceedings begin at 8:35 AM.

Martin Elliott is sworn to testify. Ms. Guerard examines the witness. Exhibits 707 and 499a are marked and admitted. Exhibits 708 and 499 are marked.

Recess: 9:57 AM – 10:22 AM.

Martin Elliott resumes the witness stand. Ms. Guerard examines the witness. Exhibit 708 is admitted. Ms. Porter examines the witness. Exhibit 2406 is marked and admitted. The witness is excused.

Paul John Paolucci is sworn to testify. Ms. Guerard and Mr. Macfarlane examine the witness. The witness is excused.

Recess: 11:50 PM – 12:50 PM.

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Emil George is sworn to testify. Mr. Anguizola examines the witness. Exhibits 495 and 809 are marked. Exhibits 495b, 495c, 495d and 495a are marked and admitted. Ms. Porter examines the witness. Exhibit 495e is marked and admitted. The witness is excused.

Reeve Tyndall is sworn to testify. Mr. Anguizola examines the witness. Exhibit 674 is marked.

Ms. Porter objects to the exhibit. The Court takes a recess from 2:01 PM to 2:29 PM. For the reasons cited in open court, the Court will admit, for a limited purpose, exhibits 670 through 675. The Court and counsel discuss evidentiary issues and case law.

The Court takes a recess from 2:54 PM to 3:20 PM.

The Court advises counsel that the consumer complaints are relevant and admissible as to Defendant Jet Processing. The Court will defer its ruling as to whether the complaints are relevant and admissible as to Defendant Spinks. Exhibits 670, 671, 672, 673, 674, and 675 are admitted.

Reeve Tyndall resumes the witness stand. Mr. Anguizola examines the witness. Exhibits 836, 837, and 550 are marked and admitted. Exhibit 544, 831, 835 are marked. Exhibits 553 through 557 are admitted by stipulation.

Ms. Porter lodges an objection to 831. Mr. Anguizola asks that the Court take a recess so that Plaintiffs can locate in its discovery log when the document was disclosed to Defendants.

Recess: 4:39 PM to 5:02 PM.

Ms. Porter indicates that she is willing to accept Plaintiff's counsel's representation that the document had been produced 7/23/2013. The Court admits Exhibit 831.

Reeve Tyndall resumes the witness stand. Mr. Anguizola examines the witness. Exhibit 835 and 833 are admitted. Exhibits 833 and 834 are admitted conditionally. Ms. Porter examines the witness.

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The Court advises counsel that it will recess for the evening and resume at 8:30 AM on Thursday, October 27, 2016. Ms. Guerard asks the Court about evidentiary stipulation, ECF No. 1990. The Court advises counsel that it has been signed. Counsel discuss with the Court the remaining witnesses.

Recess: 6:15 PM.

LANCE S. WILSON, CLERK
U.S. District Court
By: Peggie Vannozzi
Deputy Clerk